

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
JAMUL INDIAN VILLAGE DEVELOPMENT)
CORPORATION)
)
Station WQXU512, Jamul, California)

ORDER OF MODIFICATION

Adopted: July 27, 2017

Released: July 28, 2017

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order of Modification*, we modify the license of Jamul Indian Village Development Corporation (JIVD) for Station WQXU512, Jamul, California, to delete frequency pairs 898/937.2250 MHz, 898/937.2375 MHz, and 898/937.2500 MHz. As explained below, we take this action pursuant to an earlier order proposing to modify JIVD's license.¹

2. *Background.* Co-channel systems in the 90 MHz band may be separated by less than 88 kilometers (55 miles) only if the applicant obtains a letter of consent from each short-spaced co-channel licensee.² On June 8, 2016, a license was granted for Station WQXT922, authorizing base-mobile operations at Poway, California, on six 900 MHz band frequency pairs, including 898/937.2250 MHz, 898/937.2375 MHz, and 898/937.2500 MHz. On the same day, JIVD applied for base-mobile operations at Jamul, California, approximately 35 kilometers (22 miles) from the site of Station WQXT922.³ WQXT922's licensee states that it did not consent to the JIVD application. JIVD's application was granted on June 13, 2016. On August 16, 2016, the licensee of Station WQXT922 requested reconsideration or, in the alternative, modification of the grant of JIVD's application, on the grounds that it had not consented to the short-spacing.⁴ Consequently, we proposed to modify the license for Station WQXU512 to delete frequency pairs 898/937.2250, 898/937.2375 and 898/937.2500 MHz because JIVD's application for the channels should not have been coordinated or granted.

3. *Discussion.* The *Order Proposing Modification* on was released on June 13, 2017. JIVD did not protest the modification of its license within the requisite thirty-day time frame.⁵ Accordingly, JIVD is deemed to have consented to the proposed modification.⁶ Based on the record before us, we conclude

¹ See *Jamul Indian Village Development Corporation*, Order Proposing Modification, 32 FCC Rcd 4810 (WTB MD 2017).

² 47 CFR § 90.621(b)(5).

³ File No. 0007297986.

⁴ See Petition of Mark J. Abrams for Reconsideration, or Alternatively, Request for Modification of License Pursuant to Section 316 of the Act (filed Aug. 16, 2016); see also Erratum/Supplement of Mark J. Abrams to Petition for Reconsideration, or Alternatively, Request for Modification of License Pursuant to Section 316 of the Act (filed Aug. 17, 2016).

⁵ See 47 CFR § 1.87(g)(1).

⁶ See 47 CFR § 1.87(h).

that it is in the public interest to modify JIVD's license for Station WQXU512 by deleting frequency pairs 898/937.2250 MHz, 898/937.2375 MHz, and 898/937.2500 MHz.⁷

4. *Conclusion and Ordering Clauses.* ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and section 1.87 of the Commission's rules, 47 CFR § 1.87, the license for Private Land Mobile Radio Service Station WQXU512 BE MODIFIED by deleting frequency pairs 898/937.2250 MHz, 898/937.2375 MHz, and 898/937.2500 MHz at locations 1 and 2.

5. IT IS FURTHER ORDERED that this *Order of Modification* SHALL BE SENT by certified mail, return receipt requested to Jamul Indian Village Development Corporation, 14191 Highway 94, Jamul, CA 91935; ATTN: IT Director.

6. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁷ We note that JIVD has filed a modification application seeking to add other 900 MHz channel pairs to replace the channels to be deleted. *See* File No. 0007862775.